CONFERENCE ON DISARMAMENT

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FINAL RECORD OF THE SEVEN HUNDRED AND FORTY-SIXTH PLENARY MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 20 August 1996, at 11.00 a.m.

President: Mr. Dembinski (Poland)

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The PRESIDENT: I declare open the 746th plenary meeting of the Conference on Disarmament.

It is an honour for me to assume the presidency of the Conference on Disarmament for the final part of the 1996 session. Having been personally actively involved in the CTBT negotiation process since its commencement in 1994, first as Chairman of Working Group 2 and later as Chairman of the Ad Hoc Committee on a Nuclear Test Ban itself, I was looking forward to Poland's presidency of the CD at the end of the 1996 session. It was my fondest hope that at this particular juncture I would have the privilege to gavel in the final consensus text of the CTBT. As of now, it does not seem that my hope will materialize. Nevertheless as the first speaker on my list, the Chairman of the Ad Hoc Committee, Ambassador Jaap Ramaker, will, I am sure indicate in his report, there is a negotiating record which in itself is invaluable.

As President of the Conference on Disarmament during a tenure that will last until the end of 1996, I shall have a number of issues to address. I shall stay in close contact with, and seek the cooperation of all members of the CD in advancing the work that was undertaken by my immediate predecessor, Ambassador Urrutia of Peru, as well as by the distinguished representatives of Pakistan and Nigeria.

At this juncture I should like to place on record my satisfaction that, due to the spirit of accommodation displayed by all, the long-overdue question of expansion of the CD has been successfully resolved with the admission of 23 new members. In this connection, it is my intention to pursue consultations on the most appropriate approach to deal with the 13 outstanding applications for CD membership, including the possibility of appointing a special coordinator.

By the nature of things, the final part of the annual CD session makes it incumbent on the President to address problems pertaining to the agenda and programme of work of the forthcoming CD session. In this connection, I look forward to Ambassador Meghlaoui's report of his consultations on the review of the CD agenda. His conclusions will be invaluable in helping us prepare for a smooth start to the 1997 session. For my part, consistent with the mandate given to the President at the beginning of the current session, I shall continue the efforts of my predecessors in order to determine how best the issue of nuclear disarmament could be addressed.

The question of the programme of work will also pose itself with great immediacy. Unlike in 1996, when the CD focused its attention on the negotiating process pursued in only one subsidiary organ, consideration must be given to the possibility of reactivating the subsidiary organs either working or formally established in the past. Through Group Coordinators and otherwise, I shall be in direct contact with CD members to keep under active consideration the re-establishment of the Ad Hoc Committees on Negative Security Assurances, Prevention of an Arms Race in Outer Space, Transparency in Armaments and "Cut-Off". Serious consideration must also be given to aspects of conventional arms where, like in the field of anti-personnel

(The President)

land-mines, the feasibility of specific negotiating effort could be usefully explored, as many delegations, including the Polish delegation, have been suggesting for some time.

As the Conference on Disarmament approaches the end of its current session, the annual report-writing will, of course, be of direct and practical concern to the President. However, I am confident that in this report I shall be able to rely on the cooperation of all delegations, as well as on the expertise, support and invaluable assistance of the distinguished Secretary-General of the Conference on Disarmament, Mr. Petrovsky, the Deputy Secretary-General, Mr. Bensmail, and their competent secretariat staff.

I have on my list of speakers for today the Chairman of the Ad Hoc Committee on a Nuclear Test Ban and the representatives of India and Pakistan. I should now like to give the floor to Ambassador Ramaker of the Netherlands, who, in his capacity as Chairman of the Ad Hoc Committee on a Nuclear Test Ban, will introduce the report of that Committee as contained in document CD/1425.

Mr. RAMAKER (Netherlands): Mr. President, I am pleased to see you today in the Chair of the Conference. It seems to be our fate that at crucial moments in the nuclear-test-ban negotiations, it is you and I who have to work closely together. Twice I have been your successor: in 1995, as Chairman of the Working Group dealing with legal and institutional matters; this year, as Chairman of the negotiations as such. Now, as President of the Conference, you will once again play a crucial role. I pledge my full support for your endeavours.

Today I am taking the floor in order to introduce the report of the Ad Hoc Committee on a Nuclear Test Ban which the Ad Hoc Committee approved last Friday, and which is now available to delegations as document CD/1425. The report traces the steps that have led us to the draft text of a comprehensive test-ban treaty, the outcome of a long and difficult negotiating process. The report also contains positions of delegations with regard to this treaty text. In most cases these positions are in support of the text. Despite the support expressed, and much to my regret, the Ad Hoc Committee had to conclude, however, that no consensus could be reached either on the text or on its transmittal to the Conference on Disarmament.

In its consensus resolution 50/65 of 12 December 1995, the General Assembly of the United Nations requested the Conference on Disarmament to conclude a comprehensive test-ban treaty so as to make it possible for the treaty to be open for signature by the outset of the fifty-first session of the General Assembly. Throughout my tenure as Chairman of the negotiations on a nuclear test ban, I have been guided by the deadline that the world community has given us. I think that, in response to the appeal made, it is now incumbent on the Conference on Disarmament to report to the General Assembly of the United Nations on its work. I therefore recommend that the Conference adopt the report of the Ad Hoc Committee and submit it to the General Assembly.

(Mr. Ramaker, Netherlands)

Since 23 January of this year, I have had the privilege of presiding over the negotiations aimed at concluding a comprehensive test-ban treaty. My chairmanship coincided with a crucial period in the test-ban negotiations, as it was clear to all that the time had come to clench a treaty the world had been waiting for so long. A little over half a year has passed since and it has been possible for us to make tremendous progress towards the realization of that objective. There seems to be a widespread realization that, with the latest version of the draft text of the comprehensive test-ban treaty as contained in working paper CD/NTB/WP.330/Rev.2, the Ad Hoc Committee reached the very limits of what it could negotiate. So a great many countries represented in the Conference on Disarmament have concluded that, despite remaining concerns, they can accept the draft treaty as it stands now.

I am indebted to all my colleagues who have contributed to this result. A particular word of gratitude goes to my two fellow members of the Bureau, Ambassador Berdennikov of the Russian Federation and Ambassador Zahran of Egypt. Their wisdom and advice have been an invaluable contribution to what we have finally achieved. But the treaty text would not have been brought about without the help of many hands. I am therefore also particularly grateful to the many Friends of the Chairs of the Ad Hoc Committee and the two Working Groups, as well as, in a later phase of the negotiations, the moderators. Lastly, a particular word of thanks for the efficiency and cooperation shown by the secretariat. In due course, I shall have an opportunity to thank in more detail everyone who has contributed with so much dedication to the work of the Ad Hoc Committee.

For me personally, presiding over the nuclear-test-ban negotiations has been a difficult, yet extremely gratifying task. I am grateful for the cooperation and the understanding that throughout my tenure I have enjoyed from all delegations assembled in this hall today. I am grateful also for the many signs of support and encouragement that I have received from all corners of the world. While, in crucial moments, I was alone in deciding the course to follow, I thus never felt lonely.

The PRESIDENT: I thank the Chairman of the Ad Hoc Committee on a Nuclear Test Ban for his statement and for the kind words he addressed to the Chair. I intend to invite the Conference to take up for decision the report of the Ad Hoc Committee on a Nuclear Test Ban just introduced by Ambassador Ramaker once we have exhausted the list of speakers. I now give the floor to the representative of India, Ambassador Ghose.

Miss GHOSE (India): Mr. President, please accept my congratulations on your assumption of the presidency. With your intense experience of the negotiations on a CTBT in this forum as Chairman of the Ad Hoc Committee on a Nuclear Test Ban and Chairman of one of the two Working Groups, there is perhaps no one more competent or entitled to preside over this session of the Conference as you are. My delegation would also like to express its appreciation of the previous President, Ambassador Urrutia of Peru, for the quiet yet supportive way in which he handled what must have been an extremely frustrating tenure.

(Miss Ghose, India)

We have just been presented with a report of the Ad Hoc Committee on a Nuclear Test Ban by its redoubtable Chairman, Ambassador Jaap Ramaker of the Netherlands. I shall not shower any encomiums on him just now as he is still the Chairman and the work of the Ad Hoc Committee has still to be completed. I cannot, however, permit this opportunity to pass without thanking him for his untiring efforts, supported by his delegation, in trying to guide the deliberations of the Ad Hoc Committee with calmness and determination.

This report which has just been presented says it all. We were regrettably unable, in spite of the best efforts of all delegations, to reach consensus on a CTBT at this point in time. Several texts were presented during the negotiations. That there was, albeit qualified, support for the one proposed by Ambassador Ramaker on 14 August is clear from the report. What is also clear is that many other countries mainly from the G.21 group of neutral and non-aligned countries had grave reservations on this text. Indeed, many had wished for the negotiations to continue so that we could have, perhaps, been able to reach what we had been mandated to negotiate, a universal, multilaterally negotiated consensus text. Unfortunately, this was not to be.

For two and a half years we engaged in intensive negotiations to conclude a comprehensive test-ban treaty. Over the years, a CTBT had become a symbol of hope for progress towards nuclear disarmament. India led the call for a CTBT in 1954 and had co-sponsored many of the resolutions that helped build the international momentum behind it. It is a matter of considerable regret, therefore, that present efforts fell far short of what we had set out to achieve.

In January 1994, we gave ourselves the mandate "to negotiate intensively a universal and multilaterally and effectively verifiable comprehensive nuclear-test-ban treaty which would contribute effectively to the prevention of proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament and therefore to the enhancement of international peace and security". It reflected the different objectives that delegations sought to achieve, but also the imperative of a balance. Our approach in the negotiations had been to try and ensure this balance. Unfortunately, the text which was presented by the Chairman in its latest version on 14 August did not reflect this balance and therefore did not do justice to the mandate. We believe that the text in fact failed the intent of the mandate. The urgent challenge before the world community in the closing years of the century - of capping vertical proliferation and qualitative upgrading of nuclear weapons - and the advance down the road to eliminating nuclear weapons from the face of the Earth which should have been heralded by the CTBT remain as much out of reach as ever. Only the ends of horizontally non-proliferation are reinforced.

As negotiations progressed, we witnessed an evolving text moving away from the mandate. We have some experience of this. The Non-Proliferation Treaty, which was extended indefinitely in 1995, was also a treaty that had been originally sponsored by India and other countries as a major disarmament measure and which, during negotiations, had been distorted to one which

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instead divided the world into nuclear haves and have-nots. With its indefinite extension, nuclear weapons were sought to be legitimized in the hands of the nuclear-weapon States for ever. The arguments put forward by these countries before the International Court of Justice immediately after the NPT extension reiterated their understanding that the NPT had legitimized not only indefinite possession of nuclear weapons by them, but also their right to use them. The world was burdened indefinitely with the differential notion of sovereignty, one entitled to nuclear weapons and another not. This cannot be the basis on which a sane and secure world order can be erected. The CTBT should have represented a historic departure from mankind towards the shared goal of a nuclear-weapon-free world.

During the negotiations on the CTBT, we tried through constructive suggestions to remove some of these shortcomings. Our first attempt was to place the CTBT within the disarmament framework by defining it as the first step in the process of achieving nuclear disarmament within a time-bound framework. Given that preambular references to nuclear disarmament in other treaties have been ignored, we felt that such a reference would be more meaningful if contained in the operative part of a treaty text. We were not seeking to prescribe a specific time-frame, which we realize requires detailed consideration. What we were seeking was a commitment which could have acted as a catalyst for multilateral negotiations for the elimination of nuclear weapons within a reasonable span of time. The striving itself would have rendered the momentum irreversible.

We have always believed that the objective of a CTBT was to bring about an end to nuclear weapons development. We are all aware that nuclear explosion technology is only one of the technologies available to the nuclear-weapon States. Technologies relating to subcritical testing, advanced computer simulation using extensive data relating to previous explosive testing, and weapon-related applications of laser ignition will lead to fourth-generation nuclear weapons even with a ban on explosive testing. It is a fact that weapons-related research and development in these technologies is being promoted. Our objective therefore was a truly comprehensive test-ban treaty, rather than merely a nuclear-test-explosion-ban treaty. For many years, we had been told that a CTBT was not possible because testing was required for the safety and reliability of existing nuclear weapons. We questioned it then and now we know that we were right. Today, underground explosion technology has the same relevance to halting development of new nuclear weapons by the nuclear-weapon States as banning atmospheric tests did in 1963. A truly comprehensive treaty should have fossilized the technology of nuclear weapons.

Despite our efforts, these concerns were not addressed, nor did India's proposals receive adequate consideration. The draft text, as we saw it emerging, was a cause for concern. In spite of our emphasizing these concerns in the negotiations repeatedly, we found that these had been ignored in the text presented in May by the Chairman as "a platform for reaching final agreement". We clearly stated then that we would not be able to subscribe to

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that text. In a later version put forward by the Chairman the situation remained unchanged. As a result, we were obliged to reiterate that India could not subscribe to the Chairman's draft treaty text.

After we had made our decision known, the article on entry into force was modified in a further revised version of the Chairman's text, apparently at the insistence of a small number of countries with the clear aim of imposing obligations on India and placing it in a position in which it did not wish to be. Such a provision has no parallel. This procedure, adopted despite India's declared disassociation with the draft text, has been perceived very negatively in our capital. We would have hoped that the working of the CD would have been more transparent. It is unprecedented in multilateral negotiations and international law that any sovereign country should be denied its right of voluntary consent on adherence to an international treaty. We therefore express our strongest objection to the formulation of article XIV in the Chairman's text. Those that are insistent on this provision had been well aware of the clear position of India on this article. Why, then, despite the consequences, this insistence? The CD is a multilateral negotiating forum of sovereign States. Insistence on such provisions, which run contrary to international legal norms and practice, will erode the standing and credibility of the CD, which is the sole multilateral negotiating body for disarmament.

The perception of the Chairman's text which I have just delineated is shared across the Indian political spectrum. The Chairman's text did not serve the purpose of promoting the realization of universal disarmament goals. Continuing nuclear weapons development and proliferation in our region which raise national security concerns for us were in no way addressed by his text. Further, the sentiment against the attempt duress embodied in the article on entry into force is equally strong. We deeply regret that, despite our clear views and efforts towards an alternative approach, it was not found possible to take this step. This refusal to recognize our legitimate concerns left India with no option but to oppose the adoption of the Chairman's text in the Ad Hoc Committee. Our opposition to that text continues. We would not, therefore, agree to it being forwarded to the United Nations General Assembly in any form by this Conference. We are aware that General Assembly resolution 50/65 had expressed the readiness of the General Assembly to resume its consideration of item 65 on the CTBT before the fifty-first session, with a view to endorsing a text. The Conference on Disarmament has no text of a CTBT to recommend to the General Assembly at this time. Our commitment, however, to nuclear disarmament by continuing to work towards achieving the objective of a nuclear-weapon-free world remains undiminished.

The PRESIDENT: I thank the representative of India for her statement and for the kind words she addressed to the Chair. I now give the floor to the distinguished representative of Pakistan, Ambassador Akram.

Mr. AKRAM (Pakistan): Mr. President, it is a special pleasure for me to see you assume the presidency of the Conference on Disarmament at this crucial moment in our negotiations. We trust that you, if anybody, will succeed in salvaging something from the negotiations on the CTBT, and thereby preserve the role and functions of this body. I would also like to take this opportunity to congratulate your predecessor, Ambassador Urrutia of Peru, for the smooth and efficient manner in which he discharged his responsibilities in the difficult circumstances which prevailed last month. Let me also take this opportunity to once again thank Ambassador Ramaker, the Chairman of the Ad Hoc Committee on a Nuclear Test Ban, for the outstanding work which he has accomplished with the support of a superbly able delegation.

The Pakistan delegation deeply regrets that, after two and a half years of painstaking negotiations, the Conference on Disarmament has been prevented by one country from recommending the adoption or transmission of a comprehensive test-ban treaty. Pakistan has already declared its views on the shortcomings of the draft treaty contained in WP.330/Rev.2. The scope of this draft should have been more comprehensive. It should have included clearer commitments to nuclear disarmament and against the further development of nuclear weapons. It should have included more categorical assurances against the abuse of procedures for on-site inspections and national technical means in verifying compliance with the treaty. Pakistan's views on these aspects of the draft treaty and our interpretations of some of its vital provisions are reflected in the report of the Ad Hoc Committee in document CD/1425.

Despite its several shortcomings, Pakistan was prepared to endorse this draft treaty as the basis for consensus and to forward it to the United Nations General Assembly for adoption. We continue to believe that the CTBT can be and should be a first step in the process of nuclear disarmament and the complete elimination of nuclear weapons. This treaty will help constrain the development of new types of nuclear weapons and the qualitative development of existing nuclear weapons. This treaty will contribute quite decisively to nuclear non-proliferation, especially in our region.

It has been said here and elsewhere that the opposition to the CTBT has come from an unlikely source. This is the opinion of those who may be uninitiated in the nuclear history of South Asia. Since the outset, Pakistan has known and expressed its concern about the nuclear ambitions of its eastern neighbour: when nuclear facilities were acquired in the early 1960s outside any safeguards; when fissile material was secretly diverted to build a nuclear device; when a nuclear bomb was exploded across our border in 1974, in the guise of a "peaceful nuclear explosion"; when ballistic missile capability was being developed in the guise of a peaceful programme for outer space; now, when short-range nuclear-capable missiles are sought to be deployed along our border and medium-range missiles are under development.

Hypocrisy has indeed been the hallmark of the nuclear posture of the country which has blocked the CTBT in this Conference. Its bomb was, after all, called a peaceful nuclear explosion; its medium-range missile was dubbed a "technology demonstrator". When Pakistan proposed the creation of a nuclear-weapon-free zone in South Asia, when we suggested bilateral or

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regional full-scope safeguards or bilateral or regional commitments against nuclear proliferation, we were told by our neighbour that it could accept only global measures which committed the nuclear-weapon States also. The CTBT is such a measure. This, too, is now rejected. For us, the reasons are fully evident. These are not derived from any moral commitment to global nuclear disarmament.

When this treaty was sponsored in the General Assembly in 1993, which proposed the initiation of negotiations on the CTBT by this country, it did not insist on a provision linking the treaty to a commitment by the nuclear-weapon States to a "time-bound" framework for nuclear disarmament. Perhaps it expected that the treaty would never reach this stage. Pakistan supports the conclusion of a time-bound programme for nuclear disarmament. We have sponsored the proposal in the Conference on Disarmament, together with 27 other countries members of the Group of 21. But to insist that the nuclear Powers give a prior commitment to such a programme as a precondition for the entry into force of the CTBT is obviously unrealistic and unreasonable. It is, to our view, a transparent device to avoid a commitment to a nuclear-test-ban treaty, to veto a vital disarmament measure which has virtually universal support.

Today the mask of the smiling Buddha has been torn off, revealing the face of the goddess of war. The leaders of our neighbour have proclaimed that they will keep their nuclear options open; that they reserve the right to conduct nuclear tests; that they will go ahead with their short- and medium-range missile programmes.

Letters and gestures of appeasement have ensured, rather than lifted, the veto against the treaty. To convey assurances to this country that it can stay out of the treaty as long as it does not block its transmission to the General Assembly has further emboldened it in rejecting the CTBT. It has, moreover, sent the wrong signal to the rest of us who have been asked to support this treaty. The people of Pakistan, who have suffered from discriminatory pressures and penalties for many years, cannot but wonder at such double standards.

On behalf of the Government of Pakistan, I would like to state, for the record, that any step of nuclear escalation by our neighbour will find a matching response to preserve our national security. We will not accept discrimination or double standards. We will not accept unilateral obligations and commitments.

We are all aware that the CTBT may well rise from the ashes, like the phoenix, in the United Nations General Assembly. Pakistan would regret any procedure that circumvents the Conference on Disarmament, the single multilateral negotiating forum on disarmament. The responsibility for the consequent erosion of the CD's role and functions should be clear. We hope that in subsequent endeavours nothing will be done to erode the wide consensus which has emerged on the draft treaty. In particular, any effort to change the condition in article XIV that the treaty, to come into force, must be

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signed and ratified by all the nuclear-capable States will destroy the consensus on the treaty. To allow one nuclear-capable country to opt out of the CTBT is to kill all hope for a global nuclear-test-ban treaty.

The PRESIDENT: I thank the distinguished representative of Pakistan for his statement and for the kind words addressed to the Chair. That concludes my list of speakers for today. I see the distinguished delegate of Iran asking for the floor. Ambassador, you have the floor.

Mr. NASSERI (Islamic Republic of Iran): Mr. President, my deep felicitations to you for having assumed the presidency and, indeed, congratulations to ourselves for being assured of able guidance at this last stage of the work of the Conference. My deep gratitude and appreciation also to the outgoing President, Ambassador José Urrutia, for his skilful conduct of our work during the last month.

Frankly, I was hesitant to take the floor after the two statements that have been made but, nevertheless, since we are at an important stage of the work, I am compelled to say a few words.

The Ad Hoc Committee on a Nuclear Test Ban, its members and particularly its Chairman, Ambassador Ramaker, have to be and deserve to be commended. Much has been done. Much has been accomplished. A treaty that has been aspired for through decades was bricked together piece by piece through hard and dedicated work, patience, perseverance and a profound sense of cooperation - the virtuous characteristics of this unique body and this distinct group.

Towards the end, however, the Committee was overwhelmed by self-imposed urgency and drifted towards an unhealthy trait as negotiations were moved behind closed doors and became limited to an exclusive number of States, while others remained on standby. No real consultations followed either. Questions were asked about the views on the remaining issues, but the door was slammed shut on any consideration of them by a mysterious, rather forceful position that there has just been an advance entry into the take-it-or-leave-it phase, an entry that should have been avoided and was certainly uncalled for. While we did not oppose that the Ad Hoc Committee, out of lack of further esteem or due to sheer fatigue or perhaps for any other reason we are unaware of, could report a hasty non-consensus situation to the Conference on Disarmament, albeit we continue to find this exercise inappropriate and irregular, we will also not disagree with its adoption here. But now this Conference is in a position to take a fresh and sober look at this situation and to exert every effort in the time it has available to it and to explore every possibility to bring about consensus, thus helping the premature baby delivered by forceps gradually adjust itself to the realities and requirements of life outside its incubator. Here, of course, a skilful, compassionate and sensitive touch is needed as unplugging too quickly may result in damage beyond remedy.

The PRESIDENT: I thank the distinguished Ambassador of Iran for his statement and the kind words addressed to the Chair. Does any other delegation wish to take the floor? That seems not to be the case.

(The President)

I should now like to invite the Conference to take action on the report of the Ad Hoc Committee on a Nuclear Test Ban as contained in document CD/1425. May I take it that the Conference adopts this report? I see no objection.

It was so decided.

The PRESIDENT: It appears that further consultations are still required in order to reach agreement on the course of action to be taken with regard to the report of the Ad Hoc Committee on a Nuclear Test Ban that we have just adopted in order to enable the Conference to reach a decision at the next plenary meeting on Thursday, 22 August.

The next plenary meeting of the Conference on Disarmament will be held on Thursday, 22 August 1996, at 10 a.m., in this room.

The meeting rose at 12.15 p.m.